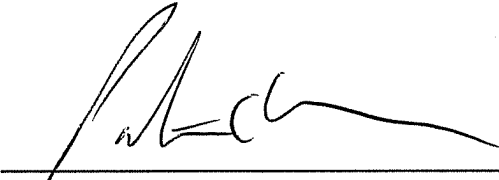


Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

Approved for use through xx/xx/200x. OMB 0651-00xx  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number (Optional)  ROY03 846	
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>on _____</p> <p>Signature _____</p> <p>Typed or printed name _____</p>		Application Number  09/931,749	Filed  August 20, 2001
		First Named Inventor  William A. ROYALL, JR., et al.	
		Art Unit  3629	Examiner  Jonathan P. Ouellette
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p>  <p>This request is being filed with a notice of appeal.</p>  <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p>  <div style="display: flex; justify-content: space-between;"><div style="width: 45%;"><p>I am the</p><p><input type="checkbox"/> applicant/inventor.</p><p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p><p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>47,343</u></p><p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p></div><div style="width: 45%; text-align: center;"> _____ Signature  <u>PATRICK CRAIG MULDOON</u> Typed or printed name  <u>202.776.7800</u> Telephone number  <u>June 1, 2007</u> Date</div></div> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>			
<p><input type="checkbox"/> *Total of _____ forms are submitted.</p>			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

ATTORNEY DOCKET NO. ROY03 846

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Patent Application of William A. ROYALL, JR., et al.

Serial No.: 09/931,749

Art Unit: 3629

Filed: August 20, 2001

Examiner: Jonathan P. Ouellette

Title: METHOD FOR ELECTRONICALLY SURVEYING PROSPECTIVE  
CANDIDATES FOR ADMISSION TO EDUCATIONAL INSTITUTIONS AND  
ENCOURAGING INTEREST IN ATTENDING

**PRE-APPEAL BRIEF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant request review of the final rejection in the above-identified application in view  
of the following remarks.

## REMARKS

**I. The Offices Rejection of Claims 1, 16, 18, 19 and 22 is improper for failing to provide a disclosure, teaching or suggestion for each of the features and lacking a proper motivation.**

**1. Schillewaert does not disclose the features admitted not disclosed in Sanoff.**

The Office states “it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included ...(e) preparing a mailing package for each candidate which includes an incentive to respond and a unique user name and password for accessing the survey form by the internet, as disclosed by Schillewaert” OA 12/1/06 item 7.

Schillewaert does not disclose “preparing a mailing package for each candidate which includes an incentive to respond and a unique user name and password for accessing the survey form by the internet. Schillewaert provides an incentive to provide an identity after the survey is completed, thus not an incentive to (See Applicants response 3/1/07 pg 9-10, 12) and is devoid of any teaching of providing a unique user name and password as required by the claims. (See Applicant’s response 3/1/07 pg. 9)

The Office also states “it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included...a postage prepaid response card; and emailing each candidate from a named individual at an e-mail address which includes the name of the institution...as disclosed by Schillewaert” OA 12/1/06 item 12.

Schillewaert does not disclose a postage prepaid response card or emailing each candidate from a named individual at an e-mail address which includes the name of the institution, and the Office has provided not basis for such a disclosure. (See Applicant’s response 3/1/07 pg. 10

**2. The Office's own conclusion teaches against the combination of Schillewaert to provide mailings.**

The Office states "The concepts described by Schillewaert are intended to be an advancement on paper-based survey methods for purposes of increased cost savings, convenience, and flexibility. OA12/01/06 item 52

The Application of Schillewaert to provide the use of mailings in combination with a web survey is improper See Applicants response 3/01/07 pg. 10.

**3. Thomas is not cited in the rejection.**

The Office's contention in item 48 OA 12/1/06 regarding Thomas as a teaching reference is improper as Thomas is not recited against Claims 1, 16, 18, 19 and 22 (See Applicants Response 3/1/07 page 9)

**II. The Office's Rejection of Claim 2-6 and 8-15 is improper for failing to provide a disclosure, teaching or suggestion for each of the features.**

**1. Thomas does not disclose the features admitted not disclosed in Sanoff.**

The Office Action States "it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included...e-mailing each candidate from a named individual at an e-mail address which includes the name of the institution ... as discloses by Thomas" OA 3/1/06 item 26.

Nowhere does Thomas disclose or teach the above feature. Furthermore, the Office has provided not support for inherency of the claimed feature or a secondary reference including the claimed feature. See Applicant response 3/1/06 pp. 11, 13

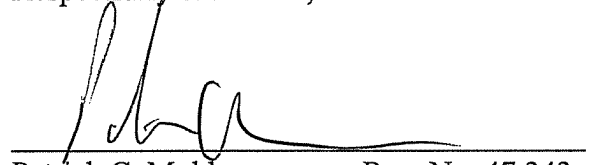
**III. The Office has failed to establish a prima facie case of obviousness.**

Applicants response 3/1/07 pp. 9-13

**IV. Conclusion**

The Applicant requests review of the Final Rejection and withdrawal of the rejections in view of the above comments and the Applicant's response of 3/1/07.

Respectfully submitted,



Patrick C. Muldoon Reg. No. 47,343

DUANE MORRIS LLP  
1667 K Street, N.W., Suite 700  
Washington, DC 20006  
Telephone: (202) 776-7800  
Telecopier: (202) 776-7801

Date: June 1, 2007